

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6313 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

Nos.1 to 5 - No.

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DINESHCHANDRA CHIMANLAL PATHAK

Versus

STATE OF GUJARAT

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Appearance:

MR JITENDRA M PATEL for Petitioner

Mr.Sompura,AGP.for Respondent No. 2, 3, 4

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 03/12/96

ORAL JUDGEMENT

Rule returnable today.

Learned Assistant Government Pleader Mr.Sompura waives service of Rule on behalf of respondents Nos.1, 2 and 3.

Petitioner is permitted to delete the name of respondent No.4.

Petitioner herein is a purchaser of the land bearing survey No.982/1 situated at Anand. Sale was effected on 30th December 1993 by a Registered Sale Deed.

Petitioner had purchased the said land from one Udesinh Dahyabhai Chauhan who was declared to be a permanent tenant of the land in question by the Deputy Collector under his order dated 1st December, 1993.

The above-referred order dated 1-12-93 was challenged before the Gujarat Revenue Tribunal by the Government in Revision Application No.TEN.B.A.488 of 1994. The Government being unaware of the above-referred sale deed has not impleaded the petitioner in the said revision application. The revision application came to be allowed by the Tribunal by its judgment and order dated 26-3-96 which is impugned herein.

The only contention that is raised by Mr.Patel is that though the petitioner was a bona fide purchaser of the land, he was not impleaded in the proceedings before the Tribunal. Learned Advocate Mr.Sompura agrees that the petitioner may be joined as party respondent before the Revenue Tribunal. In the circumstances, the impugned judgment and order dated 26-3-96 passed by the Revenue Tribunal in revision Application No.TEN..488/94 is quashed and set aside. The petitioner is permitted to be joined as party respondent in the said revision application and the revision application stands remanded to the Tribunal for decision afresh.

Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

Dated:3-12-96.